

EMPLOYER BULLETIN

Retiree Return to Work Legislation

August 2003

Overview

Governor Blagojevich signed Public Act 93-0320 on July 22, 2003. The act, which is a five-year program that expires on June 30, 2008, allows a TRS retiree to return to work without post-retirement limitations. The regional superintendent must designate the employment to be in a subject shortage area in order for a retiree to be able to return to work without limitation.

Participation

The retiree return to work must be in a subject shortage area and school districts must comply with the program participation requirements.

Any qualified teacher who has been honorably dismissed within the calendar year preceding the school term in which employment is sought must be offered the position before a retiree can be hired. The requirements state that for a period of at least 90 days during the six months before the beginning of the school term that the employer seeks to hire a retired teacher, the school district must continually

- advertise its vacancies in the subject shortage area in a newspaper of general circulation in the area in which the school is located,
- advertise in employment bulletins published by college and university placement offices located near the school, and
- search for teachers legally qualified to fill those vacancies through the Illinois Education Job Bank.

If the vacancies are not filled after complying with these requirements, the school district must submit documentation to the regional superin-

tendent. The regional superintendent will certify the district's compliance on a form and mail it to us.

Eligibility

A retiree receiving an annuity may teach in a subject shortage area without compromising his or her retirement status if:

- The employment does not begin within the school year service was terminated.
- The retiree has not received the TRS early retirement incentive.
- The member retired before age 60 and with less than 34 years of service and the eligible employment does not begin within the year following the effective date of the retirement annuity.
- The member retired at age 60 or above or with 34 or more years of service and the eligible employment does not begin within the 90 days following the effective date of the retirement annuity.

Employment rights

Once hired, the retiree will be included in a collective bargaining unit and will comply with the laws governing the employment, regulation, certification, treatment, and conduct of teachers.

The retiree will participate in the group health benefits offered by the school district without limitations based on pre-existing conditions. After the retiree stops teaching in a shortage area, the school district should notify us that the member has terminated employment and will be re-

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turning to health insurance coverage under the Teachers' Retirement Insurance Program (TRIP).

If the school district does not offer health insurance, the retiree will remain in the TRIP program.

No service credit

No employer or employee contributions can be made to TRS and no additional service credit can be earned when a retiree is hired to work in a subject shortage area. Employment will not affect the retiree's final average salary or the annuity amount. The retiree is not reported on the employer's annual report.

Post-retirement limitations

The retiree who returns to work in a subject shortage area is not required to comply with the 120-days/600-hours post-retirement limitations specified in Illinois Pension Code. The retiree will receive a pension although they are employed by a school district beyond the post-retirement limitations.

Certification procedure

1. The Regional Office of Education fills out the TRS form certifying that the school district has a shortage area and the district met the public act requirements.
2. After meeting the requirements of the public act, the school district requests a form from us to certify the hiring of a retiree. When the district completes this form, it will state the retiree's Social Security number, hire date, health insurance status, and the subject the retiree will teach.
3. We will notify the retiree and school district that we received the certification form and acknowledge the hiring of the retiree.

Questions

If you have questions, please contact the Employer Services Department by calling (888) 877-0890 or via e-mail at employers@trs.state.il.us.